

REMARKS

Applicant submits this Amendment in response to the Office Action mailed on October 31, 2007.

In the Office Action, the Examiner held the Amendment filed on August 15, 2007, as non-responsive to the Office Action mailed on July 16, 2007. Additionally, the Examiner objected to the use of the terms "filament," "orthogonal," and "coaptation," alleging that these terms constituted new matter; and objected to the use of the terms "structure" and "connection member," alleging that these terms, as used in independent claims 64, 75, 90, and 101, "can be many things depending on which embodiment of the invention one is viewing." See Office Action at page 2. Furthermore, the Examiner required Applicant to "respond to the requirement of an election of species, mailed 4/3/07." See Office Action at page 3.

As an initial matter, Applicant would like to thank Examiner Oropeza for the courtesies extended to Applicant's representative during the telephonic interview of November 19, 2007. In that interview, Applicant's representative discussed Examiner's Oropeza's reasons for holding the Amendment filed on August 15, 2007, as non-responsive to the Office Action mailed on July 16, 2007, and for setting the period for reply to the outstanding Office Action to expire on August 16, 2007. In response, Examiner Oropeza informed Applicant's representative that she believed the Amendment filed on August 15, 2007, was not a *bona fide* response to the Office Action mailed on July 16, 2007.

Additionally, Applicant's representative discussed Examiner's Oropeza's objections to the use of claim terms "filament," "orthogonal," "coaptation," "structure," and "connection member." In order to expedite prosecution of this case, Applicant's

representative agreed to cancel all claims, namely claims 71, 72, 77, 92, 93, and 103, that included the terms "filament," "orthogonal," and "coaptation," thereby rendering the Examiner's objection to these terms moot. With regard to the use of the terms "structure" and "connection member," Examiner Oropeza agreed that these terms were explicitly used in the written description and a generic claim can read on nonelected and elected embodiments. (See, e.g., the first full paragraph on page 23 of the specification.) The use of these terms therefore is appropriate in the claims, regardless of whether they are used relative to multiple embodiments, including the elected embodiment of Figs. 5a and 5b.

Should the Examiner disagree with the Applicant's comments on the substance of the interview, the Examiner is invited to contact the undersigned to resolve such disagreement.

By this Amendment, Applicant amends claim 90 to correct a minor informality and cancels 71, 72, 77, 92, 93, and 103 without prejudice or disclaimer, in order to expedite the prosecution of this case. Applicant reserves the right to present the subject matter of the cancelled claims at a later date. Claims 64-70, 73-76, 78-91, 94-102, and 104-115 are currently pending. Of these claims, claims 64, 75, 90, and 101 are independent.

Applicant respectfully disagrees with the Examiner's various objections to the use of the claim terms "filament," "orthogonal," "coaptation," "structure," and "connection member." However, in order to expedite the prosecution of this case, Applicant has cancelled claims 71, 72, 77, 92, 93, and 103, thereby removing the terms "filament," "orthogonal," and "coaptation" from the claims and rendering the Examiner's objection to these terms moot. With regard to the use of claim terms "structure" and "connection

member," Examiner Oropeza agreed that use of these terms in the claims is appropriate, as discussed above.

With regard to the Examiner's requirement that Applicant respond to the election of species set forth in the Office Action of April 3, 2007, Applicant believes the Response to Election of Species of Requirement filed on April 16, 2007, was fully responsive to that Office Action, since the Response included both a proper election and a listing of claims readable thereon. See M.P.E.P. § 809.02(a) (stating that a reply to an election of species requirement should included a proper election along with a listing of all claims readable thereon to be complete). Nonetheless, in order to the expedite the prosecution of this Application, Applicant once again elects to prosecute Species VI (Figs. 5a-5b). Applicant submits that all of the currently pending claims 64-70, 73-76, 78-91, 94-102, and 104-115 are at least readable on the elected embodiment.

If the Examiner wishes to discuss this Amendment with Applicant's representative, the Examiner is invited to telephone the undersigned at (202) 408-4221.

The outstanding Office Action contains characterizations of the claims and the related art with which Applicant does not necessarily agree. Unless expressly noted otherwise, Applicant declines to subscribe to any statement or characterization in the Office Action.


In discussing the specification and claims in this Amendment, it is to be understood that Applicant is in no way intending to limit the scope of the claims to any exemplary embodiment described in the specification or abstract and/or shown in the drawings. Rather, Applicant is entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.

Please grant any extensions of time required to enter this Amendment and
charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: December 5, 2007

By: 
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